

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA

Plaintiff,

**VS.**

DAVID JETTON

**Defendant.**

) ) ) ) ) ) ) ) )

) No. 4:05 CR 640 HEA

**MOTION FOR NUNC PRO TUNC ORDER**

Comes now Defendant David Jetton, by counsel, Brian S. Witherspoon, Assistant Federal Public Defender, and prays the Court enter a Nunc Pro Tunc Order that his sentence include up to six months in a residential re-entry center, or “half-way house”.

The Court sentenced Mr. Jetton on May 31, 2006 to fifteen (15) months custody and a five (5) year term of supervised release. He was allowed voluntary surrender and subsequently ordered to report to the Satellite Camp of U.S.P. Marion, Illinois, which he did in August 2006.

Counsel states upon information and belief that the administration at the Bureau of Prisons camp have advised Mr. Jetton that he would not be released to serve a portion of his sentence at a residential re-entry center or half-way house unless it was specifically authorized by the sentencing Court.

WHEREFORE, David Jetton prays the Court issue the prayed for Nunc Pro Tunc Order.

Respectfully submitted,

/s/Brian S. Witherspoon  
BRIAN S. WITHERSPOON 4735  
Federal Public Defender  
1010 Market Street, Suite 200  
St. Louis, Missouri 63101  
Telephone: (314) 241-1255  
Fax: (314) 421-3177  
E-mail: [Brian.Witherspoon@fd.org](mailto:Brian.Witherspoon@fd.org)

ATTORNEY FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I hereby certify that on December 7, 2006, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon Thomas Albus, Assistant United States Attorney.

I hereby certify that on December 7, 2006, the foregoing was hand delivered to the following non-participants in the Electronic Case Filing: Vashell Anderson, United States Probation Office, 111 South 10<sup>th</sup> Street, 2<sup>nd</sup> Floor, St. Louis Missouri.

/s/Brian S. Witherspoon  
BRIAN S. WITHERSPOON 4735  
Assistant Federal Public Defender